

**REPORT - PLANNING COMMISSION MEETING  
November 6, 2003**

**Project Name and Number:** UNION STREET CONDOMINIUMS (PLN2001-00312)

**Applicant:** Kursheed Ahmad

**Proposal:** To consider a Preliminary and Precise Planned District for eight condominium units.

**Recommended Action:** Recommend to City Council

**Location:** 3536 Union Street in the Irvington Planning Area.

**APN:** 525- 641-2-9; 525-641-2-7; 525-641-2-1

**Area:** .54 acres

**Owner:** Kursheed Ahmad

**Agent of Applicant:** Satish Narayan

**Environmental Review:** This project is categorically exempt from CEQA under Section 15332 In-fill Development Projects.

**Existing General Plan:** Medium Density Residential (15-18 du/ac)

**Existing Zoning:** R-G-29 Residential Garden Apartments

**Existing Land Use:** Single-family residence, vacant

**Public Hearing Notice:** Public hearing notification is applicable. 138 notices were mailed to owners and occupants of property within a minimum radius of 300 feet from the site on the following streets: High Common, Union Street, Inglewood Common, and Lincoln Street. The notices to owners and occupants were mailed on September 29, 2003. A Public Hearing Notice was delivered to The Argus newspaper on September 24, 2003 to be published by September 29, 2003. This project was continued from the October 9, 2003 meeting.

**Executive Summary:** The applicant proposes a rezoning to a Preliminary and Precise Planned District to allow the construction of eight for sale townhouse style units on a .54 acre site. One single family home would be demolished as part of this project.

**Background and Previous Actions:** The project site is located in the Irvington Planning Area and in an area addressed in the draft Irvington Concept Plan. The project site is in an existing neighborhood that is primarily a mix of older single-family homes, townhouses, and apartment complexes. Directly across High Street is a property zoned Light Industrial. The businesses on the industrial property include auto repair, machine shop, and several construction related businesses. The proposed project was first submitted several years ago. There was a long period of no action on the project due to a change in architects and a determination needed from the State regarding location in the Alquist-Priolo Special Study Zone. The site plan and architecture has undergone several revisions. This project was continued from the October 9, 2003 meeting.

**Project Description:** The proposed project consists of eight attached, for sale townhouse style units on a 0.54 acre site. The proposed units are to be developed with four different floor plans. Six of the units are located in a row fronting on High Street. This row of units consists of four three story units (Unit A) and a two story unit at either end (Unit B). The site is "L" shaped and two units are located at the rear of the site (Units C and D). The rear units are both two story. Unit

A is a 1,582 square foot townhouse with a two car garage and private front patio parallel to High Street. The remaining four units range from 1,433 to 1,578 square feet in size with single car garages and private patio/yard areas generally located to the side of the units. Project vehicle access will be from a Private Vehicle Access way from Union Street. The buildings are proposed to be a contemporary style, and the on site pedestrian paving will be broken up through the use of interlocking pavers and concrete treatments. The project includes landscaping throughout the site and preservation of several large trees existing on the site. Because "for sale" units are proposed, a Tentative Tract Map application, reviewed by the Planning Commission, will be required after approval of the Planned District.

**General Plan Conformance:** The existing General Plan land use designation for the project site is medium density residential, 15-18 units per acre. Based upon the above land use designation, the development potential for the project site is as follows:

Step 1: 0.54 acres	x	15 units/acre	=	8 dwelling units
Step 2: 0.54 acres	x	16.5 units/acre	=	9 dwelling units
Step 3: 0.54 acres	x	18 units/acre	=	10 dwelling units

The applicant's request to construct 8 dwelling units on the project site is at the step one density. The proposed project was considered complete prior to July 1, 2003 and is not required to meet the midpoint of the density range. The project is also not subject to the inclusionary housing requirements because this project was an active application at the time of passage of the inclusionary housing ordinance. Staff believes the proposed use and design, as conditioned, is consistent with the General Plan designation, because the project meets General Plan Housing and Land Use Goals and Policies as follows:

GOAL H 2: High quality and well designed new housing of all types throughout the City.

GOAL H 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City.

Policy LU 1.23 A variety of unit types and sizes shall be encouraged within each multi-family project.

Policy LU 1.24 Multi-family housing... shall be designed to accommodate the needs of families and children.

**Zoning Regulations:** The proposed project is a rezoning from Garden Apartment Residence District (R-G) to Planned District (PD). As previously discussed, the proposed Planned District is consistent with the existing General Plan density of 15 - 18 units per acre and with General Plan goals and policies. Although the applicant proposes a Planned District, the R-G and R-3 zoning districts are considered in evaluating the proposed project for general conformity with City standards.

The applicant is requesting modifications from the Fremont Municipal Code (FMC) and Council-adopted Development Policies in terms of site requirements and setbacks. The proposed design does meet height, front yard, and street side yard setbacks. The two units to the rear do not meet the side and rear yard setbacks of twenty feet. The proposed setbacks are twelve and one-half feet from property lines. Staff believes the proposed setback is adequate due to the unusual shape of the lot. Another modification is the distribution of required parking. The required parking is one covered space per unit; 0.5 uncovered space per unit; and 0.5 uncovered space for guests for a total of 16 spaces for the proposed eight units. The proposed design does provide 16 spaces but only four are uncovered spaces. Four of the units have two car garages and the remaining units have one car garages. Staff recommends the uncovered spaces be available for the residents and not designated for guests. Planning Commission may reduce parking requirements due to the availability of on-street parking. Staff estimates approximately 7-8 on-street parking spaces will be available on the street frontage of the proposed project for use by guests.

The proposed site design also does not provide a walkway connection from the two rear units along the private vehicle access way (PVAW) to the public sidewalk. This is not easily provided without either reducing the landscape area next to the uncovered parking spaces or reducing what is proposed as private open space along the southerly property line. The applicant proposes the two units will use the PVAW for access to the sidewalk. An alternative would be to move the entire

six unit building closer to High Street by four feet. The front patio areas would remain the same size and not impact future utility easements. The landscape area next to the uncovered parking spaces could then be enlarged and a pedestrian path added. However, under this alternative, the six unit building would no longer meet the front yard setback of twenty feet. The reduced front yard may be acceptable in this location based on the draft Irvington Concept Plan encouraging buildings closer to the sidewalk.

Staff believes the site plan, architecture, and landscape plans have adequately addressed staff comments and concerns; that effective conditions of approval have been incorporated to resolve any remaining, outstanding issues; and that the project, as conditioned, merits all proposed deviations from the Fremont Municipal Code.

**Planned District Justification and Analysis:** The applicant is proposing the Planned District zoning in order to allow the development of the site. The amenities proposed with this project as justification for the Planned District rezoning and higher density, in accordance with Section 8-21811(e) of the FMC, are:

- Pedestrian orientation of the project. The proposal locating the buildings proximate to High Street helps create a street presence for the units. Six of the units have patios and front doors directly accessed from the High Street sidewalk. This is especially appropriate given the proximity of the site to the Irvington commercial area to which future residents could easily walk. The pedestrian orientation is also supportive of the overall design in the Draft Irvington Concept Plan for future development on Main Street and the future Irvington Bart station.

Section 8-21811(d) of the FMC further states:

*"Standards for area, coverage, density, yard requirements, parking and screening for P district use(s) most similar in nature and function to the proposed P district, as determined by applicable ordinances and laws of the City [i.e. R-G – Garden Apartment Residence]. Exceptions to these standards by the planning commission and the city council are possible when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof."*

An overview of the required Planned District Findings (per FMC Sec. 8-21813) and staff comments are provided below for Planning Commission review. These findings are further incorporated into the Findings and Conditions of Approval (Exhibit "C") for the project. Findings are as follows:

- (a) *The proposed "P" district, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district.*

Staff Comment: The project can be completed within this period of time.

- (b) *Each individual unit of development, as well as the total development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district.*

Staff Comment: The proposed residential land use is consistent with the General Plan designation. The applicant has incorporated many features including significant landscaping, high quality design and construction for the residential units. Staff believes that the project will have a beneficial effect that could not be achieved under the standard R-G zoning district.

- (c) *The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the "P" district.*

Staff Comment: The increased traffic from eight residential units was determined by the City's Traffic Division staff not to be a substantial increase for Union or High Streets.. The proposed project will install complete street improvements along the project frontage overall traffic flow and circulation should be improved.

- (d) *Any proposed commercial development can be justified at the locations proposed to provide for adequate commercial facilities of the types proposed.*

Staff Comment: The proposed project is a residential project, and this finding is not applicable.

- (e) *Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council.*

Staff Comment: Through the Planned District process, the applicant is requesting approval of modifications to the Zoning Ordinance. As discussed previously, the applicant has incorporated many features that warrant an exception to the standard ordinance requirements.

- (f) *The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.*

Staff Comment: The area surrounding the development is developed or could be developed in substantial compatibility with the proposed project.

- (g) *The "P" district is in conformance with the General Plan.*

Staff Comment: The project conforms to the General Plan density, as well as the goals and policies of the Land Use and Housing Chapters.

- (h) *That existing or proposed utility services are adequate for the population densities proposed.*

Staff Comment: The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.

**Architecture:** The project architect has proposed a contemporary style for the proposed townhouses. The exterior is a stucco finish in light and medium shades of warm gray with raised trim at the windows and doors painted with a reddish brown ("Rosewood") color. The trim color is compatible with the proposed brick veneer used at the entry ways. The roof material is variegated (black and gray) composition shingles. The elevations indicate the use of windows and doors with integral mullions (dividers). Staff believes this creates an overly busy appearance to the elevations and recommended elimination of the mullions. The applicant has agreed. The overall forms of the structures include detailing and articulation which will provide variety from all angles while also breaking up the massing of the structures. Various conditions of approval have been included to ensure that all architectural details are compatible and consistent, including that a simpler garage door be chosen that will be appropriate to the architectural style of the building.

**Open Space/Landscaping:** The project site has existing mature trees, several of which are located in future right-of-way or proposed construction. The applicant proposes to preserve five of the trees, including the Norfolk Island Pine, and to relocate a magnolia. The removed trees will be replaced with "48" inch box trees. Staff generally supports the proposed plan but some of the details of tree preservation are not noted on the plans. At the time of report preparation site plan revisions have not been fully coordinated between the civil and landscape plans. Staff would prefer to bring the landscape plan back with the Tentative Tract Map application.

**View Impacts:** The project site is effectively flat with little grade or slope. Total height of the proposed structures is 32 feet measured from High Street, which is similar to neighboring developments. This project will not have any significant view impacts.

**Circulation/Access Analysis:** The project site is located on the southern corner of the High Street and Union Street intersection. The applicant is proposing a driveway on Union Street as the only point for vehicular ingress and egress for the project. Pedestrian access is provided by connections from Building A to new public sidewalk on Union Street. No dedicated pedestrian route is provided from Building B to the public sidewalk.

On site vehicular access is provided via a private vehicle access way (PVAW), a type of private street used for condominium and townhouse projects. The Article 21.3 of the Zoning Ordinance, Special Provisions Applying to Miscellaneous Uses, requires all condominium projects conform to the provisions of Article 20 (parking code) and the development policy for private vehicle access ways (FMC 8-22135(3)(a)).

The development policy for private vehicle access ways, adopted by City Council, established guidelines for developments which use PVAWs. Due to the design of the project and size/shape of the project site, the following PVAW principals and standards are not being met with this project:

- **PVAW Policy # 9:** An adequate hammerhead or bulb turn around is to be provided at the end of a dead-end private vehicle access way unless the design incorporates a "T" or four-way intersection within one hundred twenty feet of the end of the access way. Turn around facilities are to be adequate to allow fire apparatus and other emergency vehicles to turn around without backing into parking spaces

**Analysis:** The length of the dead end driveway is greater than 120 feet and the provided turn around area will not accommodate fire apparatus or other emergency vehicles. The provided turn around area will accommodate passenger vehicle turn around maneuvers. The Fire Department has agreed to accept the design under the condition that additional fire prevention measures be incorporated into the building design. Aside from emergency vehicles, other service vehicles, such as garbage/recycling trucks, delivery trucks, etc., will not be able to turn around on site and instead will have to back-up into the public right of way (Union Street).

- **PVAW Policy #15:** A walkway connection is to be provided from the private vehicle access ways to the main pedestrian pathway system. A 3.5 foot sidewalk shall be provided on both sides of the private vehicle access way.

**Analysis:** The size of the project site and the design of the units restrict the amount of available area for pedestrian facilities. Only the units in Building B are without a dedicated pedestrian path from the units to the public sidewalk. The units in Building A have sidewalk connections along High Street. Several recent condominium and townhouse projects have been designed with vehicular (garage) access on the PVAW side of the unit and pedestrian (front door) access on the opposite side.

- **FMC Section 8-2209(j):** Ingress and egress across public right-of-way shall be made possible without the necessity of backing over the same except for property devoted exclusively for one- and two-family dwellings located on individual lots.

**Analysis:** As mentioned above in the analysis of PVAW Policy # 9, service vehicles and trucks will not be able to turn around on site, therefore requiring these vehicles to back-up into Union Street. Approval of the Planned District site plan, as presented, effectively grants a variance from this code requirement. The applicant has provided a letter from B.F.I. agreeing to the proposed site design.

**Street Improvements:** Right-of-way dedication and street improvements are required along both the High Street and Union Street project frontage. Both streets are residential collector streets with ultimate right-of-way widths of sixty feet and pavement widths of forty feet. Street improvements include, but are not limited to: removal of existing sidewalk, curb, and gutter; installation of new pavement, curb, gutter, driveway, sidewalk, landscaping, and storm drain facilities; and relocation of existing above ground and underground utilities.

The existing sidewalk on Union Street will be removed and the frontage will be improved to the City standard for residential sidewalk, which is separated from the curb and gutter with a strip of landscaping. High Street includes some temporary curb and gutter, which will be removed with this project and replaced with standard sidewalk and landscaping. Transitional pavement and sidewalk is required at both ends of the frontage improvements.

**Grading/Topography:** The project site is located on the corner of High Street and Union Street and encompasses three existing lots. These lots were created by a subdivision approved July 24, 1922 (Map of the Morton Tract, Town of Irvington). The corner lot is currently improved with a single family home, which will be demolished to accommodate the new buildings. Several trees are also located on site. On-site grades vary, but the project site is predominantly flat.

Further detail regarding proposed grading and drainage is required when the tentative tract map and preliminary grading plan applications are submitted following the Planned District rezoning.

**Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Regional Water Quality Control Board.

**Geologic Hazards:** The site proposed for development is wholly located within the Alquist-Priolo Special Study Zone, as delineated on the State of California Earthquake Fault Zone Map, Niles Quadrangle R80. According to the Alquist-Priolo Earthquake Fault Zoning Act, Section 2623(a), the City shall require, prior to the approval of a project, a geologic report defining and delineating any hazard of surface fault rupture. The project applicant has submitted a report by Steven F. Connelly, C.E.G., dated February 8, 2002. The City's geologic and geotechnical consultant has reviewed and approved the fault investigation report. The City has submitted one copy of the approved geotechnical report to the State Geologist, as required by the Alquist-Priolo Earthquake Fault Zoning Act. The approved geologic report concludes the property is appropriate for the development as proposed.

**Development Impact Fees:** This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance. A fee credit for the existing home (to be demolished) will be given.

**Environmental Analysis:** This project is categorically exempt from CEQA under Section 15332 In-fill Development Projects.

**Enclosures:** Exhibit "B" Site, Architecture and Landscape Plans  
Applicant justification statement

**Exhibits:** Exhibit "A" Rezoning  
Exhibit "B" Site, Architecture, and Landscape Plans  
Exhibit "C" Planned District Findings and Conditions of Approval  
Exhibit "D" Color and Material Sample Board

#### **Recommended Actions:**

1. Hold public hearing.
2. Find that PLN2001-00312 is categorically exempt from CEQA under Section 15332 In-fill Development Projects.
3. Find PLN2001-00312 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use, Housing, and Health and Safety Chapters as enumerated within the staff report.
4. Recommend PLN2001-00312 to the City Council in conformance with Exhibit "A" (Rezoning Exhibit)

**EXHIBIT "C"**  
**Union Street Condominiums**  
**PLN2001-00312**

**FINDINGS**

The following findings are made by the Planning Commission on November 6, 2003, incorporated hereby:

1. The proposed "P" district, or a given unit thereof, can be substantially completed within four years of a preliminary and precise "P" district approval because the site is of adequate size to construct the project as a single-phase development.
2. That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district.
3. That the existing streets and thoroughfares and required on-site improvements are suitable and adequate to carry anticipated traffic, and anticipated future potential for site development will not generate traffic in such amounts as to overload the street network outside the "P" district because the site is suitable for the proposed use. The code-required on-site circulation and parking improvements can reasonably and adequately serve the residential development.
4. That any exception from standard ordinance requirements may be warranted by special design and planned district amenities incorporated in the future precise site plan, in accord with adopted policy of the Planning Commission and City Council. Upon proposal of a development project through the Planned District process, the applicant may propose modifications to the Fremont Municipal Code for Planning Commission consideration that will allow development that is consistent with the General Plan land use designation and the existing surrounding residences.
5. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development. This site is an infill development, with the land surrounding this site already developed.
6. That the "P" district is in conformance with the General Plan of the City of Fremont. The project conforms to the General Plan land use designation of Medium Density Residential (15 to 18 dwelling units per acre) and is consistent with and implements the goals and policies of the Land Use and Housing Chapters of the General Plan.
7. That existing or proposed utility services are adequate for the population densities proposed. None of the responsible utility companies have stated they will be unable to provide the required services to the site.
8. All public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.

**General Conditions**

- A-1 The approval of PLN2001-00312 shall conform to Exhibit "B" (Site Plan, Floor Plans, Elevations and Landscape Plan), Exhibit "D" (material and color board) and all the conditions of approval set forth herein. This Planned District, P-2001-00312, entitles the construction of eight townhouse residential units.
- A-2 Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.

- A-3 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Assistant City Manager or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Assistant City Manager shall retain the authority to determine the level of review required, including a Planning Commission review.
- A-4 The project shall be subject to all Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance. A fee credit shall be given for the existing home to be demolished.
- A-5 The Landscape plan shall return to Planning Commission for review with the Tentative Tract Map.
- A-6 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter shall prevail.
- A-7 The height and location of fences shall be reviewed for conformance with Zoning Ordinance requirements and compatible design during the Development Organization review process. The applicant shall work with staff to refine the details of fencing and other architectural details as necessary through this process.
- A-8 Construction hours will be limited by conditions of approval and no construction will be allowed on Sundays. Construction activities shall be limited to the following hours of operation: 7 a.m. to 7 p.m. Monday through Friday; 9 a.m. to 6 p.m. Saturday.

#### **Site Planning**

- B-1 The parking configurations and dimensions shall conform to the City's standards and Ordinances and shall be reviewed as part of the Development Organization review process. The parking garages shall be reserved for car parking and shall not be used for storage. This requirement shall be made a tentative tract map condition of approval and incorporated in the project CC&Rs subject to the approval of the City Engineer.
- B-2 The street lighting illumination level for the private vehicle access ways shall meet public roadway standards. The proposed lighting of the main aisle shall be located to reduce the potential for glare or light spillage onto adjacent properties.
- B-3 Lighting associated with the project area shall be subject to staff review and approval during the Development Organization review process, and shall be of a pedestrian scale, and residential and decorative nature.
- B-4 All onsite signage, including directional signs, stop signs and other traffic signs, etc, shall be installed on 4x4 pressure treated wood posts (and NOT galvanized metal posts) wherever possible, subject to staff approval.
- B-5 The developer shall install a masonry wall as indicated on the site plan. Walls shall be no less than 6 feet tall and no more than 8 feet tall. Walls will not be required if an existing masonry wall meets the intent of this condition.

#### **Building Design**

- C-1 All mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.
- C-2 Final building design, colors and materials shall be consistent with Exhibit "B" (Site, Architecture, Grading, and Landscape Plans) and Exhibit "D" (Color and Material Sample Board), subject to staff review and approval during Development Organization review. The applicant shall work with staff on defining architectural details and materials, and on the final choice of colors.



- C-3 Garage door design shall be modified to coordinate with the overall style of the structures, subject to staff review during the DO process. All garage doors shall be equipped with automatic garage door openers.
- C-4 Raised trim shall be provided at all exterior windows and doors, subject to staff review and approval.
- C-5 A six foot wall shall be provided at the private front patios, and shall contain a lockable, full height door.
- C-6 The final design, layout, and construction of the proposed development shall conform to the Security Ordinance, No. 2007, as amended, including a lighted street address and appropriate security measures, subject to the review and approval of staff during the Development Organization review process.
- C-7 Total third floor area per unit of building type 1 shall be less than 500 square feet to meet applicable code requirements for exiting. If third floor area is greater than 500 square feet, a second exits shall be required, and if any proposed additional exit affects project architecture, Planning Commission review shall be required. If the reduction of floor area on the third floor is found to negatively affect architecture, Planning Commission review may also be required.
- C-8 No exterior additions or modifications to the residences, including the addition of pre-manufactured sunrooms, shall be permitted. This condition shall be incorporated into the CC&Rs for this project. Additionally, this condition shall be incorporated as a deed restriction for each lot within the development, subject to the review and approval of staff prior to the acceptance of the first Final Map for this project.
- C-9 All roof-mounted and other mechanical equipment shall be screened from view from adjacent public rights-of-way as well as from adjoining properties, subject to the review and approval of staff during the Development Organization review process.

#### **Engineering Conditions**

- D-1 A tentative tract map application and preliminary grading plan application shall be submitted for Planning Commission review and approval, and may be subject to modifications at the time of review.
- D-2 The Developer shall dedicate right-of-way and install complete street improvements for the public streets surrounding the project site: High Street and Union Street. The following are the minimum dedication and street improvement requirements for these public streets.
  - a. High Street: Residential collector street with an ultimate right-of-way width of sixty-feet and a pavement width of forty-feet. A minimum five-foot right-of-way dedication is required along the project frontage. The developer shall install complete street improvements up to the centerline of High Street. Street improvements include, but are not limited to: removal of existing curb and gutter; installation of pavement, curb, gutter, landscaping, sidewalk, streetlights, fire hydrants, and storm drain facilities; and relocation of existing utilities. Transitional pavement and other transitional improvements are required at the southeast end of the High Street frontage, subject to determination, review, and approval of the City Engineer.
  - b. Union Street: Residential collector street with an ultimate right-of-way width of sixty feet and a pavement width of thirty-nine feet. The developer shall install complete street improvements up to the centerline of Union Street. Street improvements include, but are not limited to: removal of the existing monolithic sidewalk; installation of curb, gutter, landscaping, sidewalk, streetlights, fire hydrants, storm drain facilities; and relocation of existing utilities. Transitional sidewalk is required at the southwest end of the Union Street frontage, subject to determination, review and approval of the City Engineer.
- D-3 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

- D-4 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- D-5 The proposed development shall provide waste and recycling enclosures that shall be made accessible to the City's waste management contractor. The location and accessibility of the trash and recycling enclosures shall be subject to the review and approval by staff during Development Organization.
- D-6 All trash and recycling areas are to be enclosed. No other area shall drain to the enclosed area. Drains in any trash enclosure shall not discharge to the storm drain.
- D-7 All public and private storm drain inlets are to be stenciled "No-Dumping – Drains to Bay" using stencils purchased by the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Alternative inlet stencils or marking may be permitted, subject to City Engineer approval during final map and subdivision improvement plan checking.
- D-8 All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). The City Engineer may require additional cleaning.
- D-9 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- D-10 The developer and project civil engineer shall work with staff to incorporate, into the design, additional storm water best management practices (BMPs) to treat storm water runoff before it is discharged into the public storm drain system. Examples of potential storm water BMPs include bio-swales, micro-detention ponds, and permeable pavement. Details of the storm water BMPs shall be included with the preliminary grading plan application.
- D-11 A structural control, such as a drop-in inlet filter or other approved equal, is to be installed within paved areas on site to intercept spills and pretreat storm water prior to discharge to the public storm drain. The design, location, maintenance schedule and maintenance responsibility are subject to staff approval during Development Organization review.
- D-12 Above ground architectural and building features that project over the proposed property line, shall be permitted on townhouse units by easements. Such features include, but not limited to, eaves, bay windows, balconies, porches, landings, and stairways, permitted by easement. Foundations for townhouse units must be contained within the individual lot. The details of these easements, including dimensions and descriptions, shall be included on the tentative tract map.

### **During Construction/ Grading**

- E-1 The applicant shall notify Planning staff of the construction schedule. At the time of installation of framing and stucco/siding, the applicant or a representative of the applicant, shall request an on-site inspection by the project planner, to ensure compliance with the architectural detailing of the residences.

### **Fire Department Conditions**

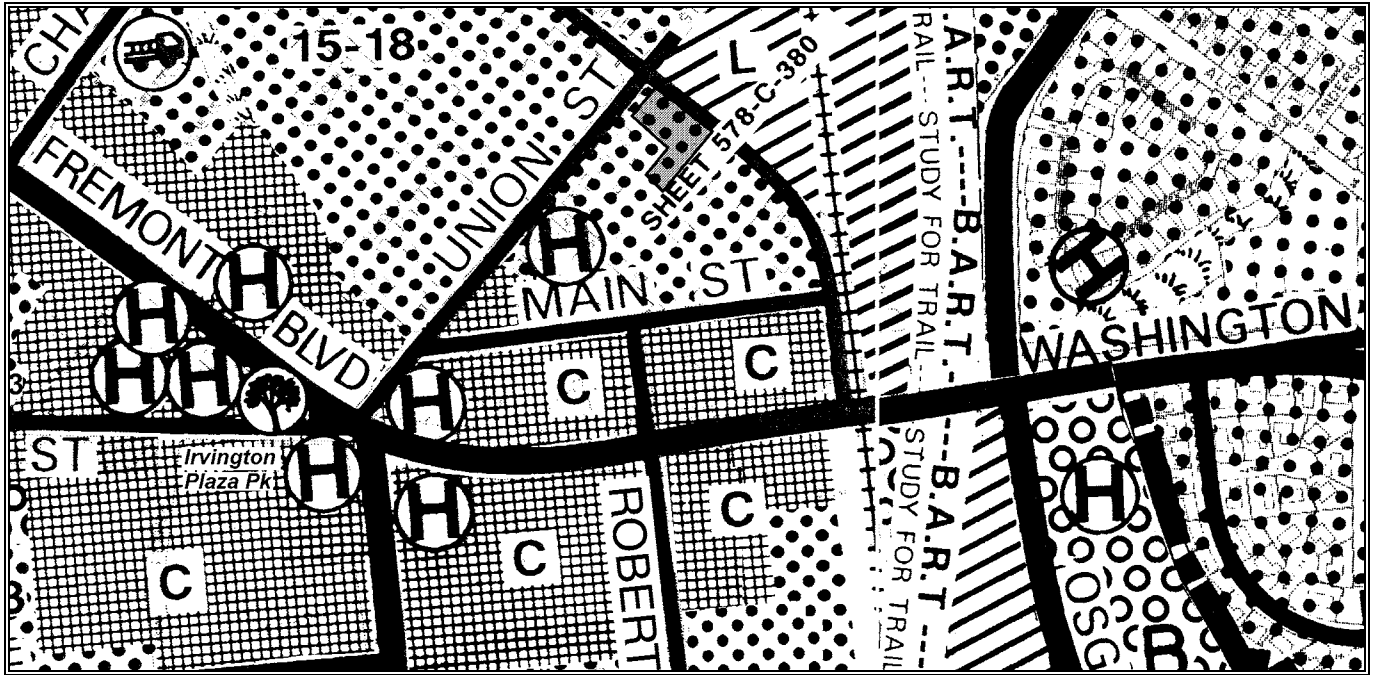
The Fire Department will review plans and specifications at the tract and building permit stage to ensure compliance with all applicable codes and policies. The following conditions are preliminary and will be subject to staff review and approval:

- F-1 The applicant shall install an automatic fire sprinkler system in the building for fire protection purposes. Waterflow and control valves must be monitored by a central alarm monitoring system and Central Station, except single

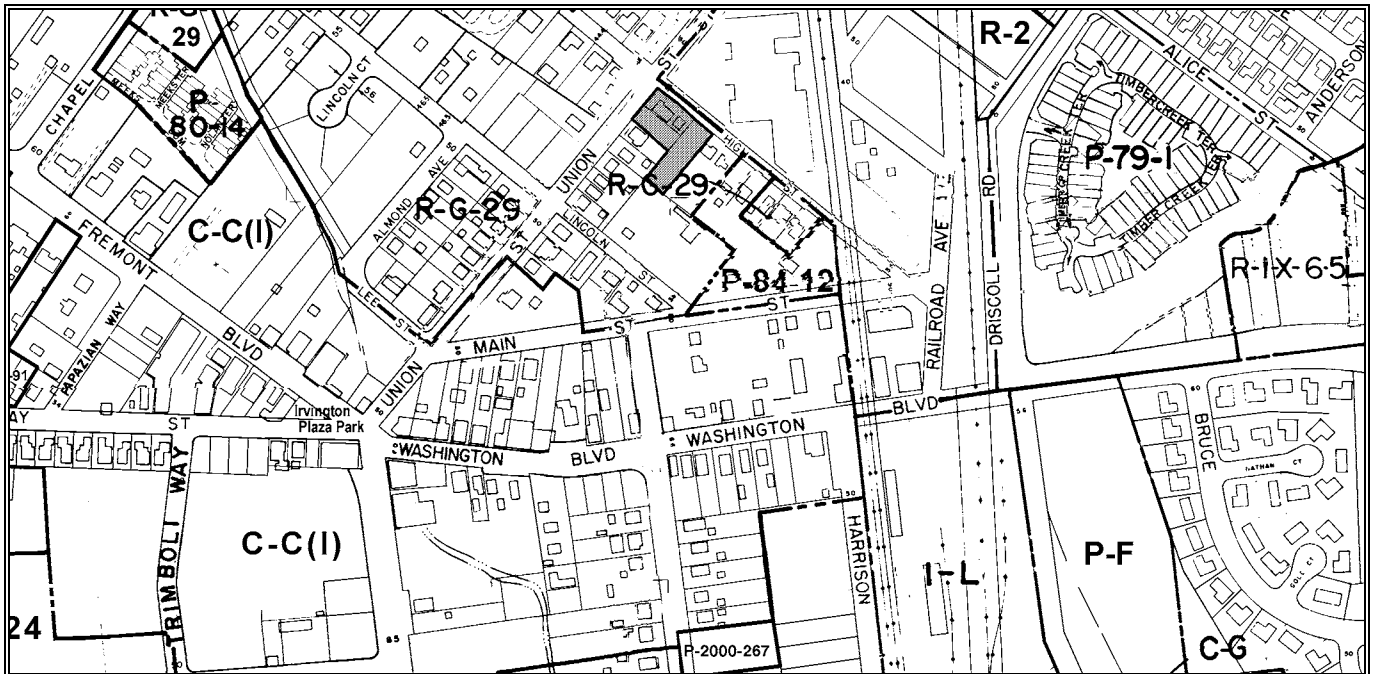
family dwellings. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.

- F-2 Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13 R
- F-3 The applicant shall provide the Fremont Fire Department with a site plan/ Civil Utility Plan for approval of public and on-site fire hydrant locations.
- F-4 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- F-5 The applicant shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. UFC 902.2.1.
- F-6 The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the U.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
- F-7 Building over 35' in height require fire apparatus roadways with a minimum 26' width. Set back from buildings must equal 1/4 height of the building plus a 26' roadway. Ex: 4 story 48' peak roof divided by 1/4 = 12' setback, plus 26' roadway. If a fire hydrant is required, the road must be 26 foot wide for 20 feet on both sides of the hydrant(s).
- F-8 Address must always be visible from Public Street or PVAW.
- F-9 Any/all new street names and addressing shall be approved by the Fire Department.
- F-10 A driveway access serving one dwelling/structure shall have a minimum 20 foot unobstructed width driveway/access road. The access road must provide all portions of the first floor with the required 150 feet access to the rear of the building. A driveway/ access road serving two or more dwelling/structures shall have a minimum 20 foot unobstructed width. A driveway access serving three or more dwelling/structures shall have a minimum 20 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads and shall meet Fire Department standards for distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. (UFC 1994, Sec. 902.2 as amended)
- F-11 Fire hydrant spacing requirement is: 300 feet. The distance is measured as the fire engine travels on all-weather surfaces.
- F-12 The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

## Existing General Plan



## Existing Zoning



# EXHIBIT "A"

Attached to and made a part of

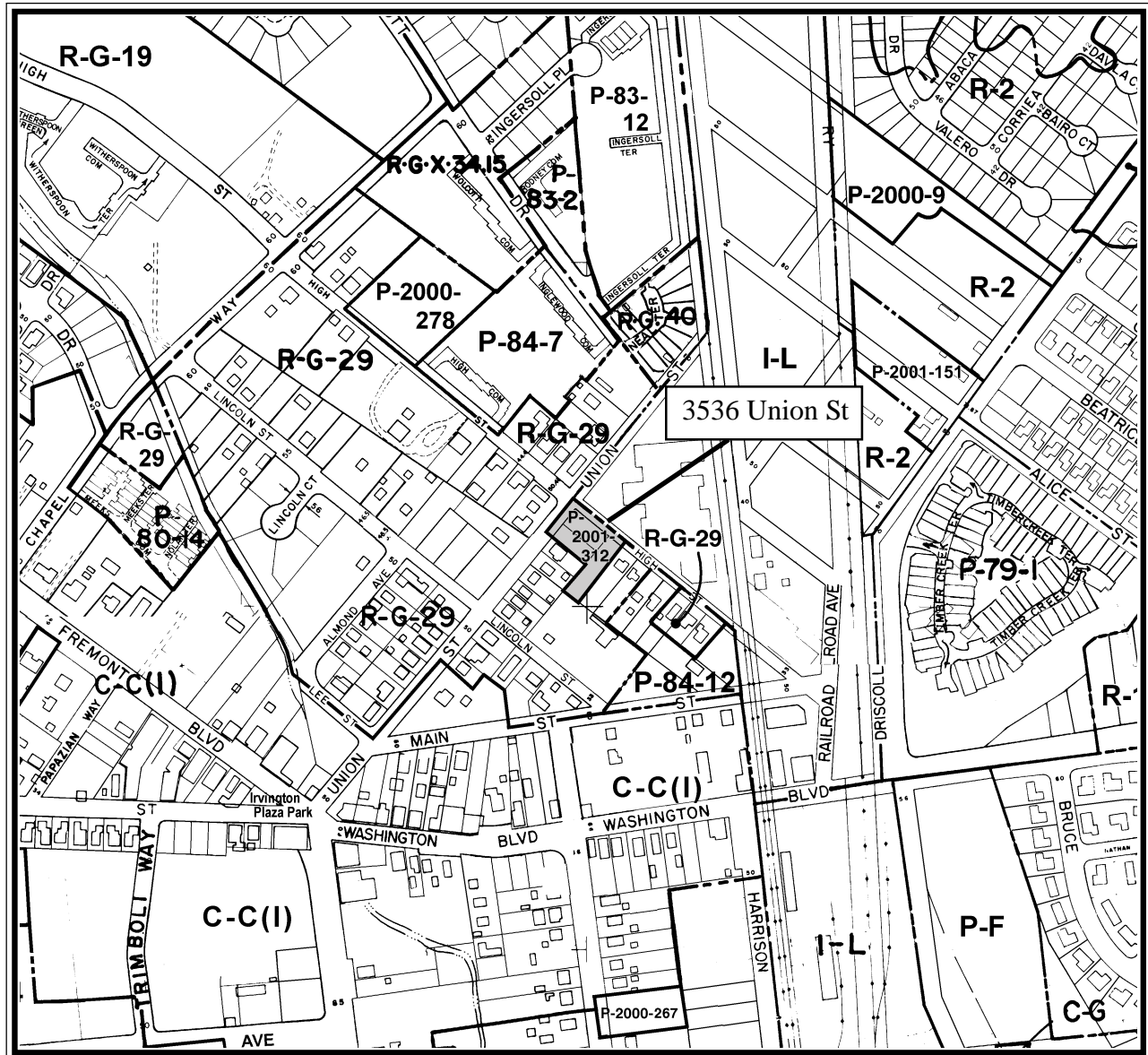
**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 03 .

## ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE IRVINGTON PLANNING AREA



From: R-G-29

To: P-2001-312

[pc on 11-06-03] 72-376, 72-380, 78-376, 78-380

Project Name: Union Street Condominiums

Project Number: PLN2001-00312 (pd)

